

PLANNING AND ZONING COMMISSION  
STAFF REPORT

December 18, 2008



**Planning Variance PV 08-37: Greg Gomez**

**CASE DESCRIPTION:** a request for approval of a complete variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts of Bryan, to legitimize previous construction of a carport that extends all the way to the front property line on the subject property

**LOCATION:** 4119 Meadowood Drive between Willow Oak Street and Woodbriar Drive

**LEGAL DESCRIPTION:** Lot 1 in Block 4 of Wheeler Ridge Subdivision – Phase 1

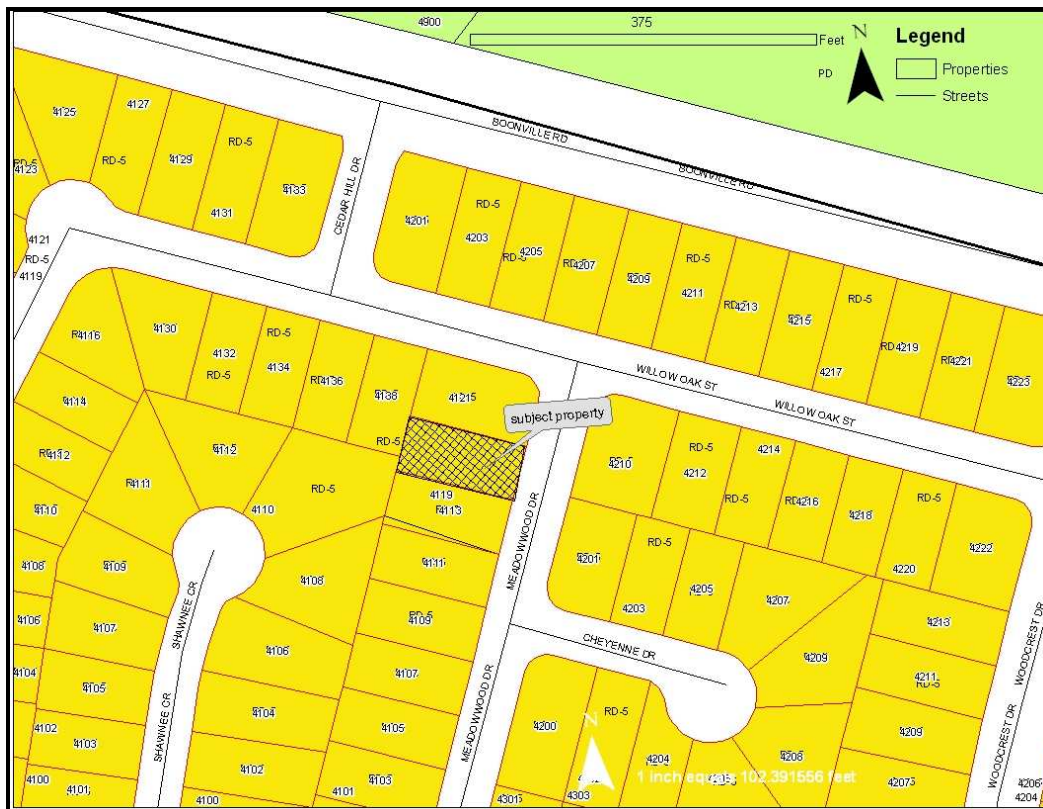
**ZONING:** Residential District – 5000 (RD-5)

**EXISTING LAND USE:** single-family home site

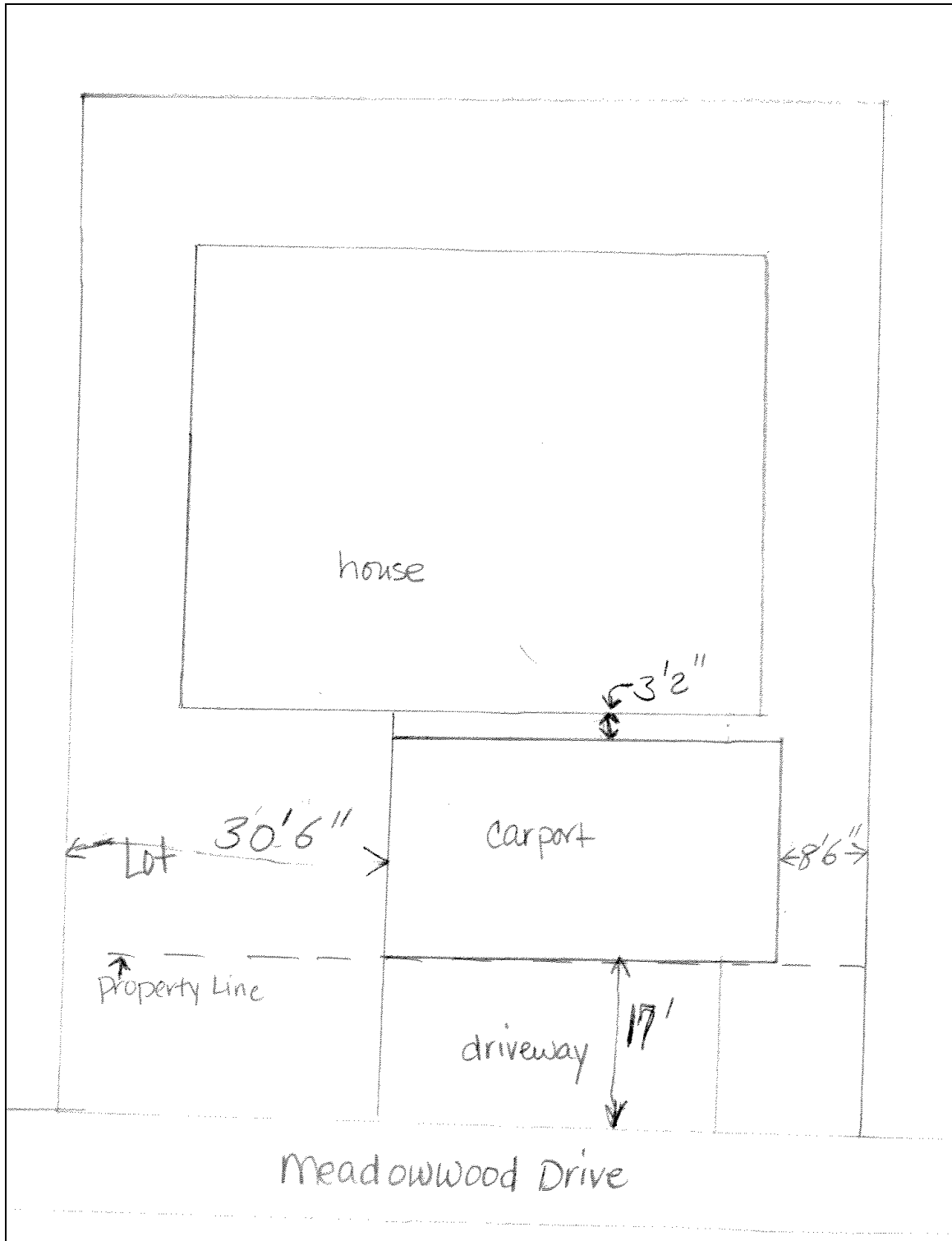
**APPLICANT:** Greg Gomez

**STAFF CONTACT:** Julie Fulgham, Project Planner

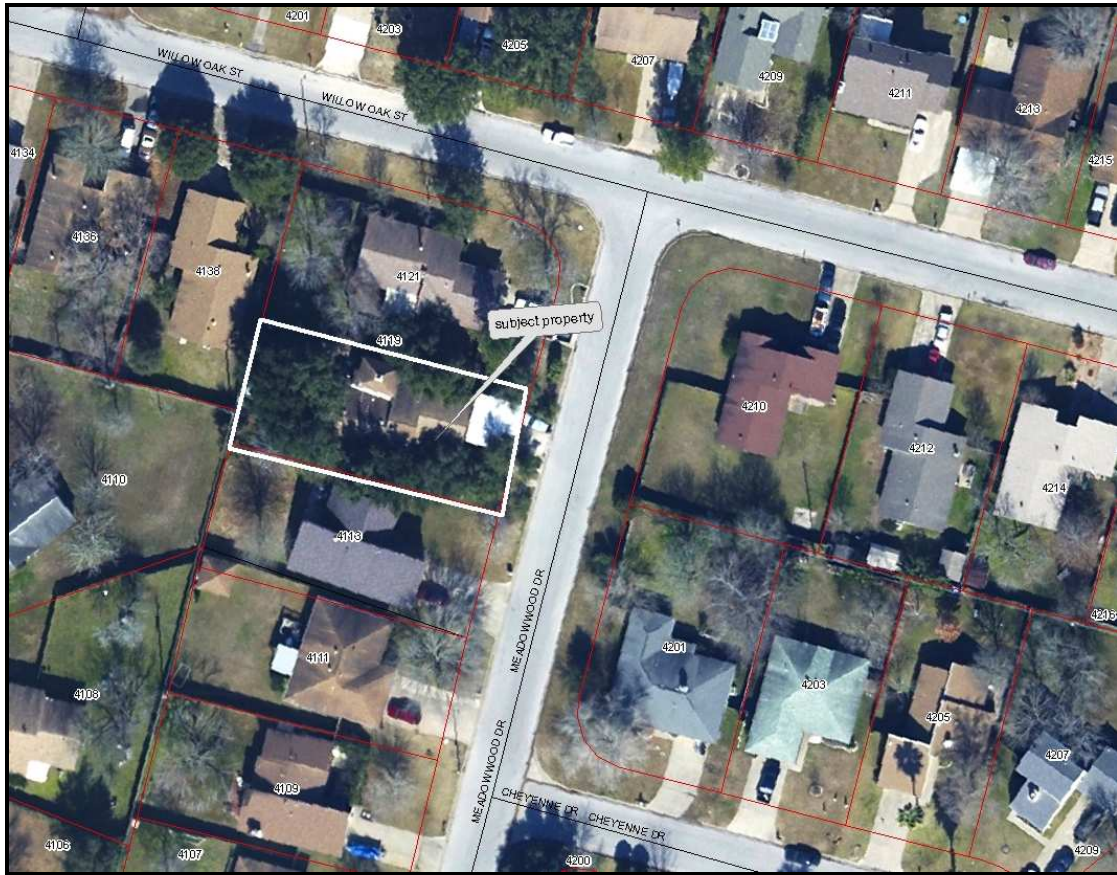
**SUMMARY RECOMMENDATION:** Staff recommends **denying** the requested variance.



**SITE PLAN:**



**AERIAL PHOTOGRAPH:**



**CURRENT PHOTOGRAPHS:**



**subject property**





**northwest view, looking towards Willow Oak Street**



**northeast view, looking towards Willow Oak Street**



**south view, toward Woodbriar Drive**



## **BACKGROUND:**

The property owner and applicant, Mr. Gomez, is requesting a variance from the minimum 25-foot front yard required on this property to legitimize the construction of a carport that extends all the way to the front property line. This carport was constructed without first obtaining city site plan and building permit approval. Earlier this year, the city's Code Enforcement Department researched possible setback encroachments in the Wheeler Ridge Subdivision and identified this carport as one of approximately seven structures noncompliant with front building setbacks. Mr. Gomez is requesting this variance to be able to obtain a building permit to legitimize the construction of this carport.

The property is located within the first phase of the Wheeler Ridge Subdivision, a six-phase development that includes approximately 365 single-family residential lots. As mentioned earlier, Code Enforcement staff completed a windshield survey of the area and identified approximately seven existing carports in the Wheeler Ridge Subdivision that appear to encroach into minimum required front yards.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

**Minimum building setback standards are intended to help promote and preserve open space and to prevent the overcrowding of land with buildings. Ignoring building setbacks results in the long-term result of land overcrowded with buildings in neighborhoods, which are typically areas within a town in which open space is most appreciated.**

**The Wheeler Ridge neighborhood is a master planned, six-phase development, approximately 25 to 30 years old and appears to be well-maintained and stable. Staff believes that one contributing factor to this stability is the overwhelming compliance with minimum building setback standards in this 365-lot subdivision. If this carport is allowed to extend all the way to the front property line on this property, nearby property owners are likely to request similar variances which the Commission would feel obligated to approve. The long-term result then may be an undesirable overcrowding of land with building mass along the street frontage within the Wheeler Ridge Subdivision.**

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

**As stated above, staff believes that granting this variance request in the absence of any special conditions which create an unnecessary hardship could have the long-term effect of destabilizing this established neighborhood. The existing home on the subject property has a two-car garage that can provide covered parking for automobiles. Continued enforcement of minimum building setbacks helps provide minimum open space, which is a desirable feature, especially in residential neighborhoods.**

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

**Staff believes that setback requirements of the Land and Site Development Ordinance help protect the general public by preventing the crowding of streets with building and providing a clean, orderly streetscape. Staff contends that the public benefit from continued compliance with minimum building setback standards is greater than requiring the applicant to remove the carport that extends all the way to the front property line on the subject property.**

**RECOMMENDATION:**

Staff recommends **denying** this request for variance.

**INFORMATION PROVIDED BY THE APPLICANT ON THE VARIANCE APPLICATION FORM:**

The following page should be completed for all variance requests EXCEPT setback variances. Please proceed to the next page if this request is for a setback variance.

Please describe the type of variance being requested:

carport structure to remain as constructed  
for protection of motorhome

Are there special circumstances or conditions affecting the land involved such that the strict application of the ordinance would deprive you reasonable use of the land:

No

Is the variance necessary for the preservation and enjoyment of substantial property rights:

necessary for protection of motorhome  
against elements of nature

State how the granting of the variance would not be detrimental to the public health, safety, or welfare or injurious to other property in the area:

does not affect surroundings in any way

State how this variance will not effect the orderly development of the subject property and/or land in the vicinity in accordance with City of Bryan Ordinances:

protects property (motorhome)  
is pleasant to the eye - well maintained